

Exhibit 6



Ken Wagner
Commissioner

State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

To: Mary Madden
Consent Decree Coordinator

From: J. David Sienko
Director, Office of Student, Community & Academic Supports

Date: July 25, 2016

Re: **RIDE Response to Court Order No. 14-M-PAS filed May 18, 2016:**

b) By July 1, 2016 finalize a transition timeline, developed and agreed to BHDDH, ORS and RIDE that identifies each agency's responsibility for engagement with individuals transitioning from the youth to adults services systems, including associated timelines for initial engagement, assessment and start of services

RIDE updated Transition Timeline in November 2015 and presently has no other edits to timeline.

h) By July 29, 2016 BHDDH, ORS and RIDE must implement ongoing training on the use of career development plans and provide regular supervision to ensure all relevant agency staff are using the plans as contemplated by and required in the Consent Decree

During the summer of 2014, RIDE, in collaboration with the Regional Transition Centers, ORS and the Court Monitor, began drafting the Career Development Plan (CDP) format, which was finalized and approved in September of 2014 by the Court Monitor. Statewide training on CDP's began on September 26, 2014 with the introduction and overview of the CDP format. Sixty educators representing 29 school districts as well as the full Teachers of Life Skills Network (TLS) membership were in attendance. Over 40 private and charter school educators attended technical assistance sessions on October 9th and 28th 2014 and again on November 3rd 2014. The sessions introduced the document section by section, defined the language and described its purpose as a process document for students with IDD transitioning from school to employment. The CDP provides the format for documenting the services and supports described in the Consent Decree Sections V (1) and (2) (i.e. soft skill development, career exploration, self-determination, community experiences and integrated work trials, etc.)

Forty educators (40) representing 22 districts and over 30 private and charter school educators participated in "Documenting Community Based Experiences" trainings on November 18th, December 2, and 14, 2014. These trainings were developed to compliment the CDP by training educators in ways to quantify the vocational expectations and development plans for youth covered under the Consent Decree.

Page Two

Memo- M. Madden/RIDE Response to Court Order #14-M-PAS filed 5/18/2016

July 25, 2016

On April 27, 2015 educators received additional training and materials to support the implementation of CDP's. On April 12, 2015, 22 educators representing 16 districts participated in "Exemplary CDPs" training. Additional detailed information regarding ongoing training and technical assistance is described in the Court Monitor's Report (Issued August 17, 2015). The major offerings for the 2015-2016 school year was the "Scope and Sequence of Career Development: From Awareness to Integrated Trial Work Experience". There were two versions of the training that were presented multiple times over the course of the school year. One training focused on high school (16-21 year old students) and one on the middle school students (age 14-16).

Statewide trainings for the high school educators were held on October 2nd and December 11th, 2015 as well as in-district and regional technical assistance sessions. Statewide trainings for the middle school were presented on October 23rd, 2015 and April 23rd, 2016. Additional detailed information regarding the implementation of training on the use of Career Development Plans inclusive of detailed technical assistance for the 2015-2016 school year can be found in the RIDE Quarterly Reports (November 1, 2015 – January 31, 2016) and (February 1, 2016 – April 30, 2016). These reports were submitted to Court Monitor on February 12, 2016 and May 19, 2016. The training needs for teachers in implementing the Career Development Plan have been identified and are currently being scheduled for the 2016-2017 school year.

In addition, RIDE in collaboration with the Regional Transition Centers has implemented the RI Employment First Quality Review Checklist to support the states Quality Improvement Initiative. The RI Employment First Quality Review Checklist is an on-site support visit to assist in identifying barriers, deficiencies, gaps and additional training needs and technical assistance to meet the requirements of the Consent Decree and ultimately improve services for youth with I/DD under the Employment First Policy. To date, all LEA's have participated in the on-site reviews. Each review documents the LEA's barriers/challenges and technical assistance/actions to support the resolution of identified barriers. The on-going technical assistance to each LEA is well detailed in the RIDE Quarterly Reports to the Monitor as well as the statewide trainings to ensure the promotion and implementation of student focused Career Development Plans.

- i) *By July 29, 2016 RIDE must train all census clerks to accurately report the number of career development plans in place*

On August 25, 2015 RIDE provided a detailed instructional memo to Special Education Census Personnel regarding the addition of four new data fields to the eRIDE Special Education Census to comply with the reporting requirements of the Consent Decree. The data collection was on a "go forward" basis and began at the start of the 2015 school year, noting that the objective was to have all records up to date by the close of the Special Education Census in June, 2016. The information about the changes in the Census was also communicated to Special Education Directors on July 23, 2015. Throughout this period, the RIDE Special Education Census Manager has provided individual technical assistance to school district census clerks to ensure the accuracy of reporting. Additional instructions adding the reporting of the Career Development "date" was added to the Special Education Census and Special Education Census personnel have been notified of the additional data field per memo on June 2, 2016. Additionally, Special Education Directors were notified of this census change on June 16, 2016.



Rhode Island Executive Office of Health and Human Services
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Exhibit 7

July 27, 2016

Cheryl Anne LeClerc, MBA

Via email

Dear Ms. LeClerc:

I am pleased to confirm that you have been selected for, and accepted, the position of Associate Director for Quality Assurance and Program Improvement within the Division of Developmental Disabilities at BHDDH. As we discussed, this position is a critical member of the leadership team for the Division. As we focus on fulfilling the policy goals set forth in the Consent Decree entered into by the State of Rhode Island and the U.S. Department of Justice, developing systematic quality assurance and program improvement capabilities within the Division is essential. Your extensive background in program design, planning, and the uses of data for quality and program improvement will be tremendous assets to the Division and to the clients you serve.

You will be working as part of the DD Division Leadership team, including Acting Division Director Jane Gallivan, Consent Decree Coordinator Mary Madden and Employment Specialist Tracey Cunningham as well as other key BHDDH staff. You will also be directly assisted by the support team from EOHHS including Senior Strategy Officer Brian Gosselin, Interagency Policy and Implementation Director Dacia Read, and Director of Analytics Kim Paull as well as many of our EOHHS colleagues.

Acting Director of BHDDH Rebecca Boss and Secretary Elizabeth Roberts join me in welcoming you. We look forward to working together to improve programs and services for Rhode Islanders with intellectual and developmental disabilities.

Sincerely,

Jennifer L. Wood



July 27, 2016

Exhibit 8

BHDDH Supported Employment Services Package Performance Incentive Program

Purpose

Funding

Program Structure and Implementation

Participation Requirements

Target Population Requirements

Performance Incentives

Active Program Management

Data Tracking

Strategy and Continuous Improvement Meetings

Purpose

BHDDH is implementing a performance-based incentive program that promotes the expansion of integrated employment for DD Division clients. The Department is doing so in fulfillment of the following provisions of the May 18 Order of the Federal District Court:

5(k). Implement a new reimbursement model for supported employment services that is sufficiently flexible to allow providers to be reimbursed for services rendered, including, but not limited to career exploration/discovery services, vocational situational assessments, work trials, development of job seeker profiles, job search and job placement, job training and job support, support coordination, and transportation services.

5(l). Implement a new service package design that includes service authorization for Supported Employment Services.

5(m). Implement performance-based contracts for Supported Employment services to individuals in the target populations that link funding to graduated levels of provider achievement of quality numerical targets and implementation timelines.

Funding

BHDDH will fund this program using \$6.8M of FY2017 budgeted funds. These funds will be available to participating provider agencies in addition to clients' current day and employment funding packages. Funds under this incentive program will be disbursed to provider agencies when system and individual performance goals are met.

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Program Structure and Implementation

This program links the disbursement of funds to provider achievement of numerical targets and implementation timelines. The program will be implemented from August 2016 through June 2017. The Department anticipates using data collected during the first five months of the program to inform the next six months of the program.

Participation Requirements

Agencies must submit an application and be selected by the BHDDH Application Review Committee to access program funds. Applications should include proposed programmatic goals and benchmarks related to assisting Consent Decree target population clients in accessing supported employment. Applications may include a proposal to serve clients beyond the Consent Decree target population however target population clients must be included in each application. These goals and benchmarks will serve as the basis for performance-based agreements between the Department and selected provider. As referenced above, program funds will be disbursed to providers upon achievement of goals and benchmarks. In addition, limited funds may be made available, on a case-by-case basis, for start up costs associated with an agency shifting services to provide Supported Employment Services consistent with Consent Decree requirements.

BHDDH requests that interested providers develop goals and benchmarks related to three core components of integrated employment services:

- 1.) Credentialing Implementation** – Rhode Island needs to increase its capacity to provide integrated employment services. To participate in the incentive program, providers must provide documentation that they have an employment team established and the staff are already credentialed to provide these employment services. If providers submit evidence that they are CESP/ACRE certified, they will be eligible for an up-front participation incentive payment.

If providers are not currently certified and need to gain credentials, they will be eligible for a participation incentive payment upon completion of gaining credentials if completed within a specified timeframe. This training is offered frequently and providers will be given up to three months to enroll employment teams. If a provider does not comply with this core component they will not be eligible for performance incentive payments.

BHDDH Actions Required to Support Participation Requirements – Through the application process, BHDDH will notify providers about state wide certification programs that will be offered to accommodate the increased enrollment that is expected based on this incentive program. Currently, the Sherlock Center offers four sessions each semester, which could accommodate the increased volume. BHDDH will identify any other free training programs to acquire these credentials as well as the out of state trainings that likely require fee. Online training opportunities will also be identified.

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- 2.) **Employment Team Structure** - Providers will submit an outline of the customized employment model and team structure and specific detail about the number of individuals they will serve during FY2017. The employment teams will need to meet the needs of the Consent Decree population it serves, and providers will be required to describe its customized employment service model that enables their teams to meet specified performance measures and goals. Details about the employment specialist, job developer, job coaches, and job retention staff need to be included in the application.
- 3.) **Provider Performance Goals** – Providers will submit specified performance measures and goals, including relevant timeframes that they expect to achieve while providing integrated employment services to its target population. BHDDH has no intention of categorically ruling out employment for any group of individuals at this time. Providers have substantial flexibility to propose innovative approaches and methods for any identified clients in the Consent Decree target population who are served by their agency and may also include proposals to serve clients beyond the Consent Decree target population. In addition, providers will need to demonstrate that career development plans (CDPs) are complete for each individual they serve, and demonstrate that benefits counseling is completed prior to securing employment.

Target Population Requirements

Phase 1 - FY2017 – Not less than 200 Consent Decree Target Population Members

Members of the Consent Decree Target Population

In Phase I, the program is designed to incentivize providers to move not less than 50 individuals from the Sheltered Workshop Target Population to supported employment and not less than 25 individuals from the Segregated Day Target Population into supported employment during FY17. Agencies can propose to work with a greater number of clients and are encouraged to do so as it is understood that each plan will be person-centered and that not all clients are going to progress toward employment in a linear way.

New I/DD Service Entries

Among the members of the Youth Exit Target Population, not less than 75 individuals who are members of the youth exit target population will be identified for more intensive supports leading to employment and community integration. As with the incumbent Consent Decree Target Population members agencies are encouraged to propose to work with a greater number of youth exit members as progress is individualized and person-centered.

BHDDH is not capping the participants at a specific cohort amount. Agencies can bring new participants into the incentive program in cases when an individual moves away from the employment pathway during the cycle. BHDDH will also review proposals to serve non-consent decree members under the Supported Employment Services Incentive program.

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Performance Incentives

Program funds are intended to reward providers who provide customized and flexible services that help individuals secure and maintain employment, consistent with the individual's abilities and preferences. These services should be provided within a timeframe that supports quality service delivery and strong outcomes for individuals. All incentive funds are in addition to the existing billing rates for employment services and reflect attainment of goals and completion of benchmarks for clients moving toward employment.

The following performance incentive rate charts illustrate the structure of the incentives provided to participating agencies for individuals they serve who achieve benchmarks along the service continuum. The goal is to help individuals move toward employment using an incentive structure that is differentiated by Tier level (higher incentive payments for those in the higher/more complex tiers in recognition that it is more challenging to serve these clients and there may be more barriers to employment for these clients). Incentive payment amounts are estimated and may be adjusted when all agency applications for Phase 1 are received. Interim benchmarks may also be added with incentive payments linked to the completion of steps toward gaining a job.

Adult Sheltered Workshop Target Population Incentives

	% Incentive	Tier A	Tier B	Tier C	Tier D	Tier E	Total Average
Gain Job	25%	\$1,410	\$2,000	\$3,564	\$5,827	\$6,895	\$3,939
Retain Job (90 days)	25%	\$1,410	\$2,000	\$3,564	\$5,827	\$6,895	\$3,939
Success Payment (+180)	50%	\$2,821	\$3,999	\$7,129	\$11,654	\$13,790	\$7,879
Total		\$5,642	\$7,998	\$14,257	\$23,309	\$27,579	\$15,757

Youth Exit Target Population Incentives

	% Incentive	Tier A	Tier B	Tier C	Tier D	Tier E	Total Average
Gain Job	25%	\$868	\$1,231	\$2,194	\$3,587	\$4,244	\$2,425
Retain Job (90 days)	25%	\$868	\$1,231	\$2,194	\$3,587	\$4,244	\$2,425
Success Payment (+180)	50%	\$1,737	\$2,462	\$4,388	\$7,174	\$8,489	\$4,850
Total		\$3,473	\$4,924	\$8,777	\$14,349	\$16,978	\$9,700

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Active Program Management

This pilot program will be managed by a team within the Division of Development Disabilities (DDD), and will be supported and guided by agency leadership and the Consent Decree Coordinator. Each agency will enter into an Incentive Program Agreement with BHDDH based upon the review and approval of the agency application including the level of need of clients to be served and the number of clients to be served. The primary point of contact for this program will be the Division's Employment Specialist. This program will be managed using data to inform decision making, generate problem solving for service delivery and individual barriers, and measure progress towards goals to understand the program's impact.

Data Tracking

Timely, complete and accurate data entry into the BHDDH database is critical to this program and understanding the impact integrated employment services have on individuals. The Employment and Day Activities Report survey conducted by the Sherlock Center provides complete information, now tracked within the interim database solution, on both the employment and integrated day activities of this population, trackable at the individual level and collected on a quarterly basis. This interim database solution has been put in place to enable BHDDH to provide reliable and timely information that will be used to determine performance incentives payments and learn from providers about effective service delivery approaches for its clients. The Sherlock Survey will capture data elements required for managing this program. During 2017 when the new care management software program is launched that will become the data source of record, integrating the Sherlock Center Employment and Day Activities Report survey data.

Strategy and Continuous Improvement Meetings

To foster Department and provider collaboration, improve data sharing and increase problem solving, DDD will hold monthly Strategy Meetings with all providers participating in the Supported Employment Services Incentive Program. During these meetings, DDD will share data to help inform service delivery as well as to understand how individuals are progressing through the service continuum toward employment and employment retention. These sessions will also identify provider and client challenges and provide an opportunity for flexible problem solving to ensure that the Incentive Program is meeting its underlying goal of promoting the expansion of integrated employment for Consent Decree target population members.

July 27, 2016

Exhibit 9

NOTICE OF BHDDH
Direct Support Professional and Job Coach
Wage Increases
Methodology and Verification
Requirements

The FY 2017 Enacted Budget includes \$5,088,541 to be used to increase wages currently paid to Direct Support Professionals and Job Coaches employed at Developmental Disability Organizations licensed by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH). The Federal District Court Consent Decree calls for wage increases for direct support staff in recognition that these wages have not been increased for a long period of time, which makes it difficult for agencies to meet the system transformation goals of the Consent Decree. To effectuate these increases, BHDDH will adjust all rates that include an \$11.55 per hour wage assumption for Direct Support Professionals and Job Coaches. These adjustments to direct support wages are intended to target the lowest wage earners within Developmental Disability Organizations.

The Department will adjust the \$11.55 per hour wage assumption and the “Employee Related Expenses” assumption in recognition of increased fringe costs that providers will incur as a result of wage increases. Other direct support focused rates will be proportionally elevated as well. Based upon an analysis of claims experience and utilization the increase will be approximately 3.1% to the FY16 Direct Support Professional and Job Coach rate and related direct support rates. These funds may appropriately be used by agencies to increase the wages of employees whose duties entirely or largely involve working directly with clients.

Agencies have some flexibility to utilize the funds realized through this rate adjustment to adjust the wages they pay consistent with the intent of the legislation. This will be verified by BHDDH. The Department requires that all providers submit payroll data reflecting wage scales pre-raise and post-raise to ensure that these additional funds are provided to Direct Support Professionals and Job Coaches in the form of an ongoing hourly wage increase (with the exception of the increase designated as “Employee Related Expenses”). Failure to submit the required payroll data may result in the recoupment of these funds. In addition, BHDDH reserves the right to request payroll data as needed to ensure ongoing compliance with the intent of this rate adjustment being directed to front line staff.

Programming changes to the Medicaid payment system are being made to effectuate these rate increases and the increase will apply retroactively for all claims billed subsequent to July 1, 2016, pending approval by Medicaid. Agencies will not have to bill the Division again for this period after the rate increase has been programmed. The Department will make a mass adjustment payment to each agency to reflect the incremental additional amount due for claims billed during the period from July 1, 2016. It is expected that retroactive payments will be provided to Direct Support Professionals and Job Coaches in accordance with post-rate increase compensation levels set by each agency, recognizing that each agency pays their staff differently and that agencies will retain this flexibility in this context. The expectation is that direct support professional compensation is increased by each agency in accordance with the agency’s own compensation structure.